

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 3, 1976, at 7:30 P.M.

Present:

George G. Young, Councilman  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Jessie Tomlinson, Councilwoman

Absent:

Allen M. Smith, Supervisor  
Alex E. Horton, Supt. of Highways

Also present: Peter S. Danowski, Jr., Town Attorney

The Town Clerk called the Meeting to Order at 7:30 P.M. and the Pledge of Allegiance was recited.

The Town Clerk then announced that Supervisor Allen M. Smith was absent due to the passing of his dear mother, who was laid to rest that afternoon.

In the absence of the Supervisor, the Town Clerk asked the Council Members to designate a Temporary Chairman to preside at the Meeting.

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi and unanimously adopted.

RESOLVED, That in the absence of the Supervisor, Councilman George G. Young, be and is hereby designated Temporary Chairman for the Meeting of August 3rd, 1976.

Chairman Young asked everyone to join him and the Town Board in expressing their heartfelt condolences to the Supervisor.

#### BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstracts, dated August 3, 1976:

General Town	\$14,689.34
Highway Item #1	\$17,005.37
Highway Item #3	\$ 309.96
Highway Item #4	\$ 334.47
Town Hall Capital Projects	\$ 3,836.20
Drug Abuse	\$ 258.08
Special Districts	\$10,620.32

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That the following bills, submitted on Abstracts, dated August 3, 1976, be approved for payment:

BOARD OF AUDIT - continued:

General Town	\$14,689.34
Highway Item #1	\$17,005.37
Highway Item #3	\$ 309.96
Highway Item #4	\$ 334.47
Town Hall Capital Projects	\$ 3,836.20
Drug Abuse	\$ 258.08
Special Districts	\$10,620.32

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Absent.

The resolution was thereupon declared duly adopted.

REPORTS

Building Department, month of July, 1976. Filed.

Police Department, month of July, 1976. Filed.

APPLICATIONS

a) Donald Fioto - Special Permit to operate a gas station and repair shop, Riverhead, New York. Filed.

This matter was referred to the Planning Board for its recommendation and report.

b) Carol V. Sowinski - Special Permit for a Non-Nuisance Industry, Aquebogue, New York. Filed.

This matter was referred to the Planning Board for its recommendation and report.

COMMUNICATIONS

Copies of letter from Supt. of Highways, Alex E. Horton, relating to requests by Mr. Block of Ramblewood Park, Wading River, have been submitted to the Town Board and the Town Attorney. Filed.

John F. Coffey, Esq., dated 7/26/76, relating to the application of West Side Realty Co., advising the Board what the West Side Realty (his client) will do to meet requirements on the application for a Special Permit and requesting that the Board consider this availability of land for parking in arriving at its decision to grant the Special Permit. Filed.

Suffolk County Department of Planning, dated 7/23/76, relating to Amended Building Zone Ordinance, Article 1XD (PRC-3), adopted by the Town of Brookhaven, stating that if no objections are received by August 12th, 1976, they will assume there are none. Filed.

John J. Munzel, Esq., dated 7/29/76, stating he represents Larry Galasso, who has already made substantial improvements, both in the physical facility and in the method of operation of the Riverhead Town Marina and requests the opportunity to sit down and discuss the details of the proposed operation with the Town Board. Filed.

COMMUNICATIONS - continued:

Mr. and Mrs. A. John Doscinski, Mrs. Anna Kwiatkowski and Mrs. Regina Kruk, dated 7/29/76, requesting correction of a deplorable flooding condition which has existed for many years on North Sweezy Avenue.

They further state that every rain floods the street, lawns and washes all the way into the home basement and backyard of one of the properties, and washes sand and debris onto sidewalks, yards, causing property damage and serious traffic hazards.

They further state they are hopeful that this horrendous situation will be corrected for the taxpayers in that residential area because the Highway Dept. has to place flares there, after every rainfall. Filed.

Chairman Young suggested that this problem be added to the list of drainage problems to be taken care of in the Town.

Suffolk County Department of Planning, dated 7/29/76, relating to adoption of Amended Building Zone Ordinance No. 26, Sections 7-20-10.06, 2-20-20, 2-10-50 and 3-50-10, Town of Southampton. Filed.

State of New York, Department of State, dated 7/28/76, advising that Local Law No. 4 of 1976 of the Town of Riverhead has been received and filed on July 26, 1976. Filed.

Rudolph Ribarich, dated 8/1/76, stating he has learned that there is still a question on filling of holes on Atwater Street, Reeves Park (West side), requesting to be advised as to the reason for the negative approach to a serious and dangerous situation and asking that Mr. Horton be allowed to fill the holes in the ground, which would bring about a solution to an important problem. Filed.

Chairman Young stated that this is a private road and can not be fixed by Mr. Horton.

Edward Gadzinski, President CSEA, Riverhead Town Unit, dated 7/8/76, requesting permission to use the Court Room on the first Wednesday of each month for CSEA monthly meetings. Filed.

There were no objections and permission was granted.

UNFINISHED BUSINESS

a) Decision on Proposed Noise Ordinance No. 45 - Pending.

b) Decision on Extending Riverhead Fire District and Dis-  
solution of Protection Districts - Still under consideration by the  
Town Board.

c) Decision on Expending Federal Revenue Funds for Drainage -  
Chairman Young stated that the Town Board is making a list of the drainage problems in the Town and will proceed with solutions as soon as possible.

d) Decision on Special Permit for West Side Realty Co. -  
Chairman Young stated that this matter will be dealt with on Friday.

PERSONAL APPEARANCES

Chairman Young asked if anyone wished to be heard and the following responded:

Grace Richmond, President of Wildwood Acres, spoke of very bad flooding conditions on Hulse Avenue and presented two pictures of the road, after a rainstorm, to the Town Board.

Chairman Young stated that he did not think that Hulse Avenue was a Town road and nothing could be done until it was dedicated to the Town.

Mrs. Richmond then asked if the dense undergrowth could be cut away from the three corners on Hulse Avenue for safety sake.

Chairman Young stated that the same rule would apply to that request and nothing could be done until the roads in that area were taken over by the Town.

Carl Uehlinger, Wading River, asked the status of the petition presented to the Town Board on April 20th with reference to the dedication of Woodchuck Hollow Lane in Wading River.

Councilwoman Tomlinson stated that the first thing they were trying to do was find out how much water was in the sump there, because they wanted to empty it before any work was done.

Short discussion followed.

Chris Abernathy, Sound Shore Road, asked for a progress report on the Iron Pier boat ramp.

Chairman Young stated that by the time the snow flies, the ramp should be fixed.

Town Attorney, Peter S. Danowski, Jr., stated that the hold-up laid with the Corps of Engineers, not with the Town.

Short discussion followed.

Dr. Alfred Smith, Northville Beach Civic Association, complained at length about the lack of repairs to the Iron Pier boat ramp and stated that the Town was being ridiculous and ought to break the law and repair it without the permit.

De Witt Seymour, Northville Beach Civic Association, voiced his complaint re the Iron Pier boat ramp.

Chairman Young then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of Posting and Publishing Notice of Public Hearing to be held on August 3rd, 1976, at 8:00 P.M. to amend the Zoning Ordinance #26, in respect to Signs.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued:

Chairman Young made a brief explanation of this Hearing as follows: "Last year, the previous Town Board started action on a Sign Ordinance. We drove up through Selden and places like that and we decided we didn't want Riverhead to look like that and so we drew up a Sign Ordinance.

We had a Public Hearing and we got so much adverse reaction that we didn't do anything and as a result of that Public Hearing, the Sign Companies got wind of the fact that perhaps Riverhead was going to do something and signs started springing up all over Town, like crazy and this Town Board figured we'd better do something. So the first of the year, we had a Public Hearing and revised our Sign Ordinance drastically. We cut out all signs except signs that are fastened on buildings.

What we're doing tonight, really, is easing up on that drastic Sign Ordinance. We are allowing certain signs in. Now, this isn't the final act in this little play that we're playing. We know that we will have to allow other signs in also. What we are talking about tonight are on-premises signs."

He then declared the Hearing open and asked if anyone wished to be heard.

Ruben Ryan, owner of Wading River Motel, stated that he could see where people would be offended by seeing unsightly signs all over the Town, but if Riverhead goes through with their present plans for limiting signs, Riverhead was going to lose their business and Southold would get it all.

He further stated that if the Town had something attractive to tourists, they should make every effort to assist the resort owners in bringing in business, not deter them.

He then talked, at length, about the unfairness of having to move the signs back, the tremendous expense of doing so and the possible illegality of the Town Board's demands.

Irwin Garsten, Garsten Motors, speaking for himself and the other car dealers in Riverhead, stated that the dealers are all for sign control, to some extent, but would be hurt tremendously financially.

Councilman Menendez stated that the Town Board was not against signs for the local merchants, they were against the huge billboards on the outskirts of Town, especially ones that advertised businesses in other Towns.

Allen Ryan stated that when he read the Sign Ordinance, he got the same impression that Mr. Ryan and Mr. Garsten got and now after Councilman Menendez's statement, he wondered what the Town Board was going to do, because he didn't trust them any more.

Councilman Menendez thanked him for his confidence and stated that the original Sign Ordinance was done as a moratorium because other Towns were putting up signs right and left in the Town of Riverhead and the Board wanted to put a stop to it.

PUBLIC HEARING - continued:

Mr. Ryan replied that the Ordinance should be worded to that effect and not to mislead people.

Councilman Menendez stated that that was the purpose of this Hearing, to find out what the people wanted, then the Ordinance would be re-written and amended accordingly.

Short discussion ensued.

George Beckwith, representing Kinney Chevrolet, asked for clarification of the Ordinance and stated that three or four years ago, they had put up a couple of signs that cost them \$30,000 each.

Chairman Young stated that according to the way the law presently read, Kinney would have to get rid of those signs, after three years.

Mr. Beckwith asked if that was the reason for the Hearing.

Chairman Young replied: "Exactly. We know we have to relax a little on the Ordinance and that's why we're having this Hearing so we can determine exactly how to re-write and amend the present Sign Ordinance."

Isidore Danowski, Danowski's Fish Market, stated that he did not read the Ordinance at all, but if he had to move his sign, he wouldn't stand a chance at all of staying in business.

Edward Purcell, owner of Ed's Sign Service, spoke of his concern over the future welfare of the businesses in the Town of Riverhead if the Sign Ordinance stands as presently written.

Chairman Young asked Mr. Purcell if he could get a committee together of people who really knew signs to sit down and talk with the Town Board.

Mr. Purcell stated that he would see what he could do.

Dick Cantwell, owner of the Farmhouse Nursery in Jamesport, voiced his objection to the new amendments to the Sign Ordinance.

He further complained about Suffolk Life's little blue newspaper boxes and asked if they had ever gotten a permit for them.

Chairman Young stated that they were all placed on State Roads and were there illegally.

Mr. Cantwell went on to say that he did agree that the large unsightly billboards should go.

Chairman Young recessed the Hearing at 8:30 P.M. to hold another Public Hearing scheduled for 8:30 P.M.

The Town Clerk read the affidavits of publishing and posting regarding the Public Hearing on the proposed Wetlands Ordinance for the Town of Riverhead.

Chairman Young then reverted back to the Hearing on Signs.

PUBLIC HEARING - continued:

Chairman Young asked if anyone else wished to be heard on the Sign Ordinance.

Michael Townsend, Green Thumb Plant Farm, Aquebogue, stated that he has been harassed by the Town of Riverhead for four months, over his sign.

He further complained about putting his sign on his truck, as Councilman Young did and was told he would have to pay a \$1,000.00 fine, if he continued to leave it parked, in front of his establishment.

He concluded by commending the Town Board for finally realizing that the law must be changed, but it was done at his expense by costing him \$100.00 fine and giving him an ulcer.

No one else wishing to be heard and no communications having been received thereto, Chairman Young declared the Hearing closed at 8:35 P.M. and called for the next Public Hearing.

PUBLIC HEARING - 8:35 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing to be held August 3rd, 1976, at 8:30 P.M., to enact a Local Law No. 5, regulating the dredging, filling, deposition or removal of material, diversion or obstruction of water flow, placement of structures and other uses in water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas and natural drainage systems in the Town of Riverhead and the requirement of permits therefore.

Chairman Young called on Chairman Charles Lawrence of the Riverhead Conservation Advisory Council to explain the Ordinance.

Charles Lawrence outlined the duties of the Conservation Advisory Council and spoke about all the work that led up to the present proposed Wetlands Ordinance for the Town of Riverhead.

He then stated that he had a crude copy of the map that has been prepared by the New York State Department of Environmental Conservation.

He continued by saying that it would be the intent of the Ordinance that they were considering, at the present time, that they would accept the work of the New York State Department of Environmental Conservation.

He then talked at great length on why their committee decided that the Town of Riverhead needed their own Wetlands Ordinance to protect the environment.

He proceeded to tack the map on the board for everyone to view.

Chairman Young then declared the Hearing open and asked if anyone wished to be heard.

Marie Hoff, President of Wildwood Hills Property Owners' Association read the following statement:

PUBLIC HEARING - continued:

"For many years, we have been engaged in environmental concerns. We have cleaned and maintained beaches and carefully nurtured the verdant bluffs in our community. These bluffs are the habitat of many species of wildlife, and they offer aesthetic vistas to boaters, swimmers and community pedestrians. I know we share the Town's concern for the objectives of this legislation as expressed in Section 1.1 on intent. While preserving the coastal wetlands and bluffs, we have provided preservation of beach and quality of tidal and fresh waters. We have controlled our area so as to encourage environmentally sound habits on the part of our community residents and we have carefully maintained our roads to minimize run-off. Our objectives which have already been implemented during our community's 40 year existence are the same as those which the "Town Board" declares should be regulated.

Before I make our brief comments on the titular, definitive, prohibitive, permitted, procedural, administrative, conditional, penal and prior conditional elements of this proposed legislation, let me say regarding practical experience, we have reviewed, studied and attended hearings regarding regulations of a similar kind relative to State Tidal Wetlands Act and APA cases. Also, we have successfully guided our own organization members through DEC and Army permit approvals for regulated activity.

Regarding Section 2, Title, if it is intended that this cover only freshwater wetlands and flood plains, as seemed to be indicated at the last Town Board Meeting, then the other elements should be removed from the Title.

Section 3. Definitions. The overlapping titles of areas do not coincide with those currently under consideration in the State TW regulations, so this could provide difficulty. Definitions of zones and lands are written so as to include all land in Riverhead.

Definition of Natural Drainage System refers to the Official Map of the Town of Riverhead, but such map is not part of the public notice and therefore the interested citizen has some difficulties. Definition (n). Material. Material is circular since the word material is used in defining the word material. Definitions of Remove and Operation are extremely complex. Definition (o). Comprehensive Master Plan, I assume refers to the 1973 Plan as adopted and without changes. We refer you to our Master Plan comments of 5/22/74, filed at the hearing of that date.

Section 4.0 appears to prohibit the deposition and even the removal of debris from any area without a permit.

Section 5.0. We appreciate that this section seems to make reasonable provision for structures and residences existing in already filed subdivisions, such as ours, to continue maintenance without need for additional permit.

Section 5-5. Valuation. This provides under certain provisions for legal income tax deduction under IRS Code B Statutes, Section 170. We assume such lands would be ones duly recorded by the County Clerk as individual plots or filed subdivisions.

Section 6. The extremely complex permit procedure appears to duplicate and even go further than that of the DEC and Army Corps. Could this be simplified, The additional data required by 6.1 is more burdensome and the possible 5% filing fee most surely would be a deterrent to proper maintenance of existing structures by some individual owners who might have to get several permits."



PUBLIC HEARING - continued:

"6.3 It is necessary that the Town Conservation Advisory Council be added for another level of control.

7.0 Knowing the length of time needed for permits to make the rounds of the DEC and the Army, couldn't the administration be simplified. Our organization and many others, several times during the Master Plan Hearing, always advocated Town and Home Rule control of environment, with an understanding of the whole picture, but we feel this procedure could be programmed for more expeditious permit approval or denial.

8.0 Conditional requirements might invite the same criticisms which have been and are being levelled at APA.

9.0 Penalties would appear reasonable if not coupled with such complex permit, administrative and conditional procedures.

Section 10. Existing or Prior Condition Section shows consideration for the present structures, but we believe it should more clearly indicate that minor reconstruction and normal maintenance including beach grading are activities exempt from permit provision."

Chairman Young then recessed the Hearing for five minutes to allow people to come forward and look at the map, Mr. Lawrence posted on the board.

Chairman Young re-opened the Hearing at 9:05 P.M. and asked if anyone else wished to address the Board.

George Schmelter, Calverton, tried to address his remarks to Mr. Lawrence, but was reminded by Chairman Young that all remarks were to be addressed to the Town Board and if they felt they should be repeated, Mr. Lawrence would be asked.

Mr. Schmelter then asked how this proposition would affect unnatural waters.

Chairman Young stated that he believed the Ordinance only had to do with natural drainage areas.

Mr. Schmelter then talked, at length, about the loss of individual property owner's rights and the fact that the County was to blame for the filling in of natural sumps, marshes and drainage problems.

He concluded by saying that the governmental agencies have been the worst offenders, themselves, not the private citizens.

Thomas Demkin stated that after looking at the map, it was very hard to distinguish the actual sizes of the areas.

He continued by saying that when people are affected, so that they suffer a financial loss, such an Ordinance is no good.

Chairman Young explained that this was not a blanket Ordinance. He further explained that the people, themselves, would have to come before the Town Board and request permission for whatever they wanted to do, the Board wouldn't just go out and do something on their own that would cause financial losses to property owners.

PUBLIC HEARING - continued:

Mr. Demkin then talked about existing bulkheads and asked if the new law would affect what could be done behind them, such as planting, construction or whatever.

Mr. Lawrence responded to Mr. Demkin by saying that the Committee hoped to work with the people on any work done outside the bulkheading, and would maintain all structures shown on the map.

Short discussion followed.

Councilman Menendez stated that one of the problems they were faced with was that all the government agencies are trying to get into the act.

Short discussion followed.

Chairman Young thanked the Town Conservation Advisory Council for all their hard diligent work and asked Mr. Lawrence to introduce his committee.

Mr. Lawrence stated that there were nine members, including himself, Mike Velys, his Assistant Chairman, Joe Baier, Linc Wells, Denis Hurley, Charlie Thrall, Virginia Wines, Roger Coulter and Gordon Danby.

Chairman Young declared the Hearing closed at 9:30 P.M. and re-opened the Meeting.

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That Highway bills, submitted on Abstract dated August 3, 1976, as follows:

General Repairs - Item #1 - Mobil Oil Corporation, bills dated July 7, 16 and 26, 1976, totalling \$1,172.27: be and the same are hereby approved for payment.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Absent.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Supervisor be and is hereby authorized to pay time and one-half overtime compensation to the following employees:

Sophie Waski	April 1, 1976 to July 30, 1976	69Hrs. @\$5.138	\$531.83
John Hansen	July 1, 1976 to July 30, 1976	26½Hrs. @\$4.397	\$174.76

FURTHER RESOLVED, That the time report relating to aforesaid overtime, as submitted, be filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Absent.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Interested citizens of the Town of Riverhead wish to hold a "Riverhead Country Fair" for the purpose of raising monies for the beautification and preservation of Riverhead, and

WHEREAS, This Board encourages civic participation and initiative of the residents of the Township, and

WHEREAS, The Police Department and Fire Department have been advised by letter of the plans of the "Country Fair",

NOW, THEREFORE, BE IT RESOLVED, That this Board grants permission that the area known as Public Parking District #1, specifically the area along the Peconic River from Peconic Avenue to McDermott Avenue, be reserved for the use of a "Country Fair", during the hours of 11:00 A.M. to 7:00 P.M., on Sunday, October 10, 1976 - rain date, October 17, 1976.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Absent.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

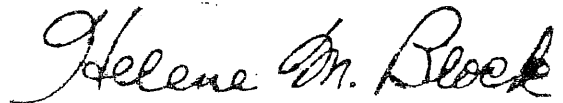
WHEREAS, After hearing the recommendations of the Personnel Committee of the Town Board, the Town Board made a decision with regard to the claim of Victoria Martin,

NOW, THEREFORE, BE IT RESOLVED, That Victoria Martin be compensated at the contract figure shown in the CSEA Contract of Eight thousand four hundred two and 00/100 (\$8,402.00) Dollars for the year 1976, as opposed to her current rate of pay, to wit: Eight thousand two hundred and 00/100 (\$8,200.00) Dollars. Said increase of pay shall be retroactive to January 1, 1976.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Absent.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 9:40 P.M., to meet on Tuesday, August 17, 1976, at 7:30 P.M.



HMB/mhj

Helene M. Block, Town Clerk